

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 20 CR 126-LTS

ADELMIR OLIVA,

Defendant.

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ORDER

The Court has received a letter, a form “Notice of Defendant’s Assertion of Right to Speedy Trial, Non-Consent to Any Further Continuances and Objection to Continuances That Are on the Docket,” and a form “Petition for Writ of Habeas Corpus Failure to Provide Timely Preliminary Hearing or Discharge Defendant 18 U.S.C. § 3060(d),” each dated January 10, 2022, and each submitted by Defendant Adelmir Oliva pro se.¹

¹ Mr. Oliva was charged by indictment (docket entry no. 2). See 18 U.S.C. § 3060(e); United States v. Permisohn, 339 F. Supp. 52, 56 (S.D.N.Y. 1971) (“Once an indictment is filed in a case, the need for a preliminary hearing is obviated, the returning of an indictment, itself, constituting an independent finding of probable cause by the grand jury.”). Speedy trial time has been excluded in this multi-defendant case through the target trial date of November 7, 2022. See 18 U.S.C. § 3161(h) (“The following periods of delay shall be excluded in . . . computing the time within which the trial of any such offense must commence: [] (6) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted. (7)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.”).

Defendant's letter, which references sensitive attorney-client communications, will be filed under seal, and a copy will be provided to Mr. Oliva's current counsel, David Touger, Esq. The Court will file the two form applications on the public docket.

Defense counsel is directed to promptly provide Mr. Oliva with a copy of this Order and to consult with him regarding the filing of any appropriate application(s).

SO ORDERED.

Dated: New York, New York
January 21, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge